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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,409	07/08/2003	Takashi Honda	OCA-177-A	7942

7590 05/23/2005
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EXAMINER

DUNN, DAVID R

ART UNIT PAPER NUMBER

3616

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,409

Applicant(s)

HONDA ET AL.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/08/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed July 8, 2003 is acknowledged. See enclosed IDS form.

Specification

3. The disclosure is objected to because of the following informalities: there appears to be a duplicate page with the specification; it appears that page 7 is a duplicate of page 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Castro et al. (5,464,246).

Castro et al. discloses an airbag device comprising: an airbag (130) which is accommodated in a folded state along sides of a seat back and a seat cushion of a seat (see Figure 2a) for an occupant and which is adapted to be expanded by a gas generated by an inflator upon side collision of a vehicle (see column 2, lines 52-55) to be deployed between an inner surface of a side of a vehicle compartment and the occupant, wherein the air bag is disposed outside a lap belt of a seat belt provided with the seat (see Figure 2c). The device includes an air bag cover (see column 5, lines 61-62: "protective sleeve") which disposed at least partially within the seat (see Figure 2d). The air bag cover includes a protrusion disposed outside of the seat (see portion between the seat back and seat bottom in Figure 2d), the lap belt extends between the protrusion and the seat (compare location of belt attachment in Figure 2c). The airbag extends from an upper end of the seat to a front end of the cushion (see Figure 2b). As seen in Figure 2d, the cover portion between the seat back and cushion is inherently flexible. Regarding claim 11, as seen in Figure 2c, no portion of the airbag is between the seat belt and the occupant.

6. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Decomps et al. (6,692,020).

Decomps et al. discloses an airbag device comprising: an airbag (40) which is accommodated in a folded state along sides of a seat back and a seat cushion of a seat (see Figure 1) for an occupant and which is adapted to be expanded by a gas generated by an inflator upon side collision of a vehicle to be deployed between an inner surface of a side of a vehicle

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compartment and the occupant, wherein the air bag is disposed outside a lap belt of a seat belt provided with the seat (note location of air bag in Figure 1; this is outside of lap belt 32).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castro et al. in view of Ikeda (JP 10-129412).

Castro et al. is discussed above but fails to show the lap belt extending through a bore in the seat.

Ikeda teaches a seat with a bore (A) through which the lap belt (3) passes; see Figure 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castro et al. with the teachings of Ikeda to extend the belt through a hole in the seat in order to assure that the belt would not interfere with the airbag.

Conclusion

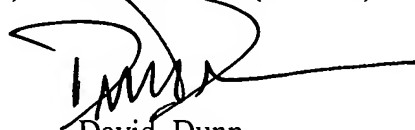
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mueller shows a side airbag device of interest. McPherson shows a seat with side airbags.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
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